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TECHNOLOGY CENTER 2100

Paper No. 15

Frank A. Italiano
Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P.
1300 I Street, NW
Washington, DC 20005

In re Application of:

Paul J. Hinker
Application No. 09/686,628
Filed: October 12, 2000
For: AUTOMATIC CONVERSION OF
SOURCE CODE FROM 32-BIT TO 64-BIT

DECISION ON PETITION
UNDER 37 CFR §1.181 TO
WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the petition filed 12 May 2004 under 37 CFR §1.181, supplemented by the submission of 06 February 2004, to withdraw the holding of abandonment of the above-identified application.

This application was held abandoned for failure to respond in a timely manner to the Office Action mailed 23 June 2003 (paper no. 6). A Notice of Abandonment was mailed 23 March 2004 (paper no. 13).

In support of the petition, Petitioner provides a copy of (1) a post card with a PTO stamp indicating receipt at the USPTO on 22 September 2003 of an amendment. The submission of 06 February 2004 included a copy of the amendment submitted 22 September 2003, signed by Frank A. Italiano and dated 22 September 2003.

M.P.E.P. §503 states:

A post card receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

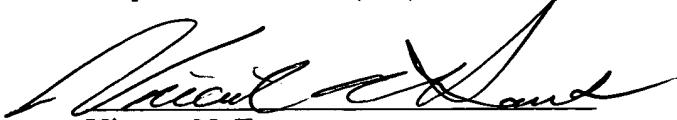
Petitioner has established that a response was filed on 22 September 2003 and the Abandonment was the result of Office error in not matching the response to the application file.

The petition is **GRANTED**. The Notice of Abandonment is **WITHDRAWN**.

The application file is being forwarded to the Technology Center support staff for processing of the amendment. After processing, the application will then be forwarded to the Examiner for appropriate action. It is noted that the Information Disclosure

Statements submitted on 15 October 2003, 20 January 2004, and 27 January 2004 have been received and entered in the application file.

Any inquiry concerning this decision should be directed to Vincent N. Trans whose telephone number is (703) 305-9750.



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